



MINUTES OF THE BOARD OF SUPERVISORS
COUNTY OF LOS ANGELES, STATE OF CALIFORNIA

Violet Varona-Lukens, Executive Officer
Clerk of the Board of Supervisors
383 Kenneth Hahn Hall of Administration
Los Angeles, California 90012

County Counsel

At its meeting held June 22, 2004, the Board took the following action:

27

The following item was called up for consideration:

County Counsel's joint recommendation with the Director of Planning to rescind Board Order No. 18 adopted on April 23, 2002 adopting findings and order denying Surface Mining Permit Case No. 91-165-(5); certify Final Environmental Impact Report (FEIR) for the Soledad Canyon Sand and Gravel Reduced North Fines Storage Area Mining Project, State Clearinghouse Number 91111066, pursuant to the California Environment Quality Act (CEQA); adopt the CEQA Findings of Fact; adopt Statement of Overriding Considerations and Mitigation Monitoring and Reporting Plan; adopt findings and conditions and order approving Surface Mining Permit Case No. 91-165-(5), to authorize a sand and gravel mining operation with appurtenant facilities on property located at 12101 Soledad Canyon Rd., Soledad Zoned District, applied for by Transit Mixed Concrete Company (now known as "Cemex", Inc.); and approve the Mining and Reclamation Plan and Financial Assurance Cost Estimate prepared for the Project. The recommended actions are necessary to implement the federal court approved Consent Decree settling the federal civil rights and preemption lawsuit for damages and declaratory relief filed by Cemex, Inc. and the United States against the County in 2002, in the case entitled Cemex, Inc. v County of Los Angeles (USDC Case No. CV-02-747 DT)

Allan Cameron, Geralyn Skapik and Laurene Weste, addressed the Board. Written correspondence was presented.

(Continued on Page 2)

After discussion, on motion of Supervisor Molina, seconded by Supervisor Burke, duly carried by the following vote: Ayes: Supervisors Molina, Burke and Knabe; Noes: Supervisors Yaroslavsky and Antonovich, the Board took the following actions:

1. Rescinded Board Order No. 18 adopted on April 23, 2002 adopting findings and order denying Surface Mining Permit Case No. 91-165-(5);
2. Certified the Final Environmental Impact Report (FEIR) for the Soledad Canyon Sand and Gravel Reduced North Fines Storage Area Mining Project, State Clearinghouse Number 91111066, pursuant to California Environment Quality Act CEQA Guideline Section 15090;
3. Made a finding that the FEIR has been completed in compliance with CEQA, State CEQA Guidelines and the County's Environmental Document reporting Procedures and Guidelines; that the Board has reviewed and considered the information contained in the FEIR and all comments and evidence presented, and that the FEIR reflects the independent judgment of the Board; that the proposed designation of critical habitat for the Southwestern Arroyo Toad which includes a part of the Project site does not constitute significant new evidence pursuant to CEQA Guideline Section 15088.5; and made a finding that the unavoidable significant effects of the project, after adoption of all feasible mitigation measures and the imposition of project conditions, are outweighed by specific economic, legal, social, technological, and other benefits of the project;
4. Adopted the CEQA Findings of Fact; adopted the Statement of Overriding Considerations and Mitigation Monitoring and Reporting Plan; and made a finding that the Mitigation Monitoring and Reporting Plan is adequately designed to ensure compliance with mitigation measures during implementation of the project;

(Continued on Page 3)

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5. Adopted the attached findings and conditions and order approving Surface Mining Permit Case No. 91-165-(5), to authorize a sand and gravel mining operation with appurtenant facilities on property located at 12101 Soledad Canyon Rd., Soledad Zoned District, applied for by Transit Mixed Concrete Company (now known as "Cemex", Inc.); and
6. Approved the Mining and Reclamation Plan and Financial Assurance Cost Estimate prepared for the Project.

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Attachments

Copies distributed:

Each Supervisor
Director of Planning
Director of Public Works
Cemex, Inc.
Allan Cameron
Geraldyn Skapik
Kerry Shapiro